

EXHIBIT 8

John Shields

From: John Shields [JShields@hrblackburn.com]
Sent: Monday, November 12, 2007 10:01 AM
To: Harry Blackburn
Cc: Tom Muldoon
Subject: Fwd: RE: RJ v. EDS, et al

[REDACTED]

John, your recollection is inaccurate. On May 17, 2007, we exchanged this email:

From me:

The only alternative I see would be, if RJ decides that it does not need Mr. McCone's deposition for discovery purposes, that we agree to take his trial testimony at a later date, after the deposition cut-off and the mediation, but before trial. By deferring Mr. McCone's testimony to that later time, we can all save the expense if the mediation is successful, and in any event be better prepared for a trial-level examination.

From you in reply:

I agree with Kevin's suggestion. We will forego the discovery deposition of Mr. McCone. If mediation is unsuccessful, we can reschedule him.

The next day we had a conference call. I confirmed the results to everyone in this email:

This will confirm that in our conference call this morning we agreed that we will cancel Chris McCone's discovery deposition. All counsel have agreed that if the mediation is unsuccessful, we will take his trial testimony at a later date, after the deposition cut-off and the mediation, but before trial.

K. Gerard Amadio, Esquire
Venzie, Phillips & Warshawer
2032 Chancellor Street
Philadelphia, PA 19103
215.567.3322
215.864.9292 (fax)
267.243.1984 (mobile)

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-----Original Message-----

From: John Shields [mailto:JShields@hrblackburn.com]
Sent: Friday, November 09, 2007 10:24 AM
To: VPetrone@loganllc.com; kamadio@venzie.com

EXHIBIT 9

Harry R. Blackburn

Associates, P.C. Attorneys at Law

*John E. Shields, Jr. **

*Of Counsel
Federico Colaf-LeGrand-*

November 14, 2007

**Also Admitted in NJ*

--Admitted Only in PR

Via Electronic Mail

Direct Dial

Ext. 112

email: js Shields@hrblackburn.com

Kevin G. Amadio, Esquire
Venzie, Phillips & Warshawer
2032 Chancellor Street
Philadelphia, PA 19103

Re: RLI Insurance Company
v. Indian River School District, et al.
United States District Court for the District of Delaware
Civil Action No. 1:05-cv-00858-JJF
Our File No. 729.004

Dear Kevin:

I received your message regarding the deposition of Mr. McCone; thank you for your clarification. While you have accurately quoted portions of e-mails we exchanged, I think you may be forgetting the spirit and context of our discussions on this topic, and, if you carefully re-read the emails, your interpretation of it is just that -- your interpretation.

Mr. McCone is a key witness in this matter, but was in Kuwait most of this year until recently. Previously, Vickie Petrone informed us that taking his deposition via teleconference was possible, but it would cost approximately \$15,000. Since scheduling posed a challenge due to the time difference, and the parties were shortly entering into mediation, we thought it would be prudent to hold off on the deposition. In light of those factors, we agreed to put Mr. McCone's deposition on hold. If the matter settled, then there would be no need to depose him at all. When that did not happen, we began requesting new dates to depose him, but his counsel, Ms. Petrone, was unable to provide them until recently, as you know. Until your e-mail, no one suggested that we had decided to forego it altogether and, indeed, we have not. In point of fact, we will request Ms. Petrone to produce Mr. McCone for a discovery deposition, as well as a trial deposition for the reasons stated below. Since you are not counsel to EDiS, while I appreciate your comments, they are irrelevant to our request.

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1528 Walnut Street, 4th Floor, Philadelphia, Pennsylvania 19102 (215) 985-0123 Fax: (215) 985-0124
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Harry R. Blackburn

& Associates, P.C.

Q:\RLI Surety\729\McDaniel.004\Indian River\Ltr\Amadio, K 11-14-07.wpd

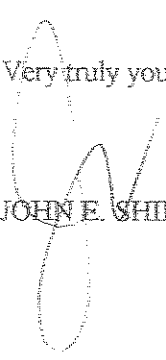
Kevin G. Amadio, Esquire

November 14, 2007

Page 2

Finally, I do not read Ms. Petrone's email to be any guarantee that Mr. McCone will be available to testify at the time of trial, particularly in light of the fact that the trial date has not even been set. If you are confident that his trial testimony to the extent you desire it will be obtainable, you certainly may forego it. As stated, however, we are not willing to take that chance and will proceed further with the deposition.

Very truly yours,


JOHN E. SHIELDS, JR.

JES/erl

cc: **Via Electronic Mail:**
Victoria K. Petrone, Esquire
J. Paul Cottrell, Esquire
James S. Green, Esquire
Perry F. Goldlust, Esquire

EXHIBIT 10

John Shields

From: Victoria Petrone [VPetrone@loganllc.com]
Sent: Tuesday, November 20, 2007 11:44 AM
To: John Shields; kamadio@venzie.com
Cc: Harry Blackburn; Temp Temp; p.mcgrory@lawtcl.com; Donald Logan; p.cottrell@tighecottrell.com
Subject: RE: RLI v. EDiS, et al

All: Chris McCone is home for good! He's on leave until 12/9 after which he will be going back to work at EDiS and will be generally available. I will let you know about our experts' availability.

Also, you're using my old email address - please use:
vpetrone@loganllc.com.

Vicky

-----Original Message-----

From: John Shields [mailto:JShields@hrblackburn.com]
Sent: Monday, November 19, 2007 3:42 PM
To: Victoria Petrone; kamadio@venzie.com
Cc: Harry Blackburn; Temp Temp; p.mcgrory@lawtcl.com; Donald Logan; p.cottrell@tighecottrell.com
Subject: RE: RLI v. EDiS, et al

Dear Vickie:

Have you heard from Mr. McCone? Given the uncertainty concerning his future stationing, we would like to schedule this as soon as possible.
Please advise.

Also, I have not heard from any defense counsel regarding dates for your experts' depositions. We previously confirmed that we would bear the associated costs in accordance with the rules. Please advise when these depositions can be scheduled. Thank you.

John E. Shields, Jr., Esquire
Harry R. Blackburn & Associates
215-985-0123 ext. 112

Via Email

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EXHIBIT 11

John Shields

From: John Shields [JShields@hrblackburn.com]
Sent: Tuesday, November 20, 2007 3:34 PM
To: Victoria Petrone; kamadio@venzie.com
Cc: Harry Blackburn; Temp Temp; p.mcgrory@lawtcl.com; Donald Logan;
p.cottrell@tighecottrell.com
Subject: RE: RLI v. EDiS, et al

Dear Vickie:

Thank you for your message. We are available for Mr. McCone's deposition on the 11th, 12th, 13th, 18th, 19th or 20th. I would ask all counsel to advise of their availability. We will get the court reporter.

John E. Shields, Jr., Esquire
Harry R. Blackburn & Associates
215-985-0123 ext. 112

Via Email

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In this regard, if you have received this email in error, please notify us by telephone immediately.

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EXHIBIT 12

Harry R. Blackburn

Associates, P.C. Attorneys at Law

John E. Shields, Jr.

December 18, 2007

Of Counsel
Federico C. LeGrand

*Also Admitted in NJ

*Admitted Only in PR

VIA ELECTRONIC MAIL

Direct Mail

Encl. 112

email: jshields@hrrblackburn.com

Victoria K. Petrone, Esquire
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P.O. Box 68
Wilmington, DE 19899

*Re: RLI Insurance Company v. Indian River School District, et al.
U.S. District Court for the District of Delaware
Civil Action No. 1:05-cv-00858-JJF
Our File No. 729.004*

Dear Counsel:

As you know from my letter to the Court of December 17, 2007, we have determined to have Damian Cassin of Progressive Construction Management prepare an amended expert report to address the issues referenced in Judge Faman's Memorandum Opinion of December 4, 2007. Per the discussion of this issue at the Pretrial Conference on December 6, 2007, Mr. Cassin's amended report will be supplied not later than January 28, 2008.

In light of the Court's ruling and our intention to amend the PCM report as well as the trial scheduling, we intend to postpone the taking of your expert's depositions until March 2008, after the deadline for service of defense rebuttal reports in response to the amended PCM report. Please confer with your experts and let us know of their availability after the beginning of March 2008.

Harry P. Blackburn
Associates, P.C.

10011 Sunset Blvd, Suite 204, Inglewood, CA 90304-1001

Victoria K. Petrone, Esquire

Karin G. Amodio, Esquire

Paul Cottrell, Esquire

Patrick McGrory, Esquire

James S. Green, Esquire

December 18, 2007

Page 2

Finally, we need to proceed with the scheduling of Christian McCone's deposition. It is our understanding from previous communications from Vicky that Mr. McCone is once again at home in Delaware. We would like to schedule his deposition in early to mid January. We had previously discussed January 15th and January 18th as dates that appeared to work for all counsel in taking of defense experts' depositions. Either of these dates should therefore work for Mr. McCone's deposition. I would request that Ms. Petrone contact Mr. McCone and advise us as soon as possible of his availability so that we can schedule him for January 2008.

Thank you for your attention to this matter.

Very truly yours,

JOHN E. SHIELDS, JR.

JES/cmh

EXHIBIT 13

John Shields

From: Victoria Petrone [VPetrone@loganllc.com]
Sent: Monday, January 07, 2008 12:56 PM
To: John Shields; Donald Logan; Paul Cottrell; patrick.mcgrory@tighecottrell.com; Kevin Amadio
Subject: Deposition of Chris McCone

John:

I am writing in response to your phone call of last week in which you sought to schedule the discovery deposition of Chris McCone. You will recall that Mr. McCone's deposition was originally scheduled for two days during the first week of June, 2007 to comply with the discovery cut off date of June 6, 2007. It was set as a trial deposition because Mr. McCone was stationed in Kuwait as part of the U.S. Army Reserves, and at that time, we did not know if Mr. McCone would be returning to the U.S. in time for trial. Kevin Amadio, Esquire, counsel for Indian River, proposed via email on May 17, 2007, that if RLI decided it did not need Mr. McCone's deposition for discovery purposes, the trial deposition could be postponed. RLI agreed. On May 18, 2007, Mr. Amadio confirmed by email a conference call between counsel in which it was agreed that the deposition was cancelled but that the trial deposition of Mr. McCone would be scheduled prior to trial. I did not receive a response to that email, until November, 2007, when the prospect of Mr. McCone's deposition was raised again.

On November 20, 2007, I confirmed that Mr. McCone's tour was ending, he would be back by December 9, 2007 and was not expected to be deployed again. In an exchange of letters between you and Mr. Amadio, Mr. Amadio noted his objection to RLI's efforts to schedule the deposition of Mr. McCone because RLI had elected not to take the discovery deposition, the discovery period had expired (on June 6, 2007) and because his trial deposition was no longer necessary since he will be available for trial. EDiS concurs with Indian River's position. Since Mr. McCone will be available for trial, a trial deposition is unnecessary.

Vicky

Victoria K. Petrone, Esquire
Logan & Associates, LLC
One Corporate Commons, Suite 300
100 W. Commons Boulevard
New Castle, DE 19720
302-325-3555

EXHIBIT 14

Harry R. Blackburn

Associates, P.C. Attorneys at Law

John E. Shields, Jr. *

January 11, 2008

Of Counsel
Federico Calaf-LeGrand

*Also Admitted in NJ

--Admitted Only in PR

Direct Dial

Ext. 112

email: jshields@hrrblackburn.com

Via Electronic and First Class Mail

Victoria K. Petrone, Esquire
Logan & Associates, LLC
One Customs House, Suite 100
704 N. King Street, P.O. Box 89
Wilmington, DE 19899

Re: RLI Insurance Company v. IRSD, et al.
United States District Court for the District of Delaware
Civil Action No. 1:05-cv-00858-JJF
Our File No. 729.004

Dear Ms. Petrone:

I must say I was quite disappointed to receive your email message of January 7, 2008 concerning the deposition of Chris McCone.

Initially, your email contained several inaccuracies. You say in the first paragraph that the deposition was set as a trial deposition, but that is incorrect. I believe that if you refer to your own email to counsel in this matter of May 17, 2007, you will see that we sought Mr. McCone's discovery deposition first and, because he was in Kuwait, the defendants later sought to take his trial testimony. On that basis you proposed that RLI have the first day of testimony and the defendants the second. RLI has sought Mr. McCone's discovery deposition from the beginning of this case.

Additionally, in the same paragraph you say that the subject of taking Mr. McCone's deposition was not raised after the initial agreement to adjourn it because of the pending mediation until November, 2007. In fact, I wrote to Donald Logan of your office on July 10, 2007 and referenced in the first paragraph a conversation you and I had in which you indicated that you did not want to produce Mr. McCone for deposition until expert reports had been served. A copy of that letter is attached for your ease of reference. No defense attorney at that time asserted that RLI had elected to dispense with a discovery deposition of Mr. McCone. We also referenced the agreement to take Mr. McCone's deposition following the June 14-15, 2007 mediation in our brief in response to the Joint Motion for Summary Judgment with EDiS and

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Q:\RLI Surety\729\McDaniel\004\Indian River\Ltr\Petrone, V. 01-11-08.wpd

Victoria K. Petrone, Esquire

January 11, 2008

Page 2

Becker Morgan Group. In the exchange of correspondence you referenced with Mr. Amadio, we clearly set forth RLI's position that we never had intended nor agreed that Mr. McCone's deposition was waived or that it was limited to a "trial deposition."

I also fail to see how any possible prejudice could be claimed by any defendant, particularly given the posture of the case at present. According to your November 20, 2007 email, Mr. McCone is back in the area and working for EDiS, so the logistics will be same as any other local fact witness, and the trial is more than six months away. Further, Mr. McCone is a central figure in this case, having served as EDiS's project manager for the bulk of the construction of the Sussex Central High School.

I ask that you promptly reconsider your position. By way of a copy of this letter, I am confirming this communication with all defense counsel and advising that we will move to compel Mr. McCone's discovery deposition if you do not agree to produce him voluntarily.

Thank you for your attention to this matter.

Very truly yours,


JOHN E. SHIELDS, JR.

JES/erl

Enclosures

cc: **Via Electronic and First Class Mail:**

Patrick McGrory, Esquire

Kevin G. Amadio, Esquire

James S. Green, Esquire

Timothy E. Winship, Esquire

Harry R. Blackburn, Esquire